

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE GOVERNMENT OF THE KINGDOM OF CAMBODIA
AND
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
CONCERNING THE IMPOSITION OF IMPORT RESTRICTIONS ON
ARCHAEOLOGICAL MATERIAL FROM CAMBODIA FROM THE
BRONZE AGE THROUGH THE KHMER ERA**

The Government of the Kingdom of Cambodia and the Government of the United States of America;

Acting pursuant to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, to which both countries are States Party; and

Desiring to reduce the incentive for pillage of certain categories of irreplaceable archaeological material representing a continuum of culture from the Bronze Age through the Khmer era;

Have agreed as follows:

ARTICLE I

A. The Government of the United States of America, in accordance with its legislation entitled the Convention on Cultural Property Implementation Act, shall restrict the importation into the United States of certain categories of archaeological material, identified on a list to be promulgated by the United States Government (hereinafter known as the “Designated List”), unless the Government of the Kingdom of Cambodia issues a certification or other documentation which certifies that such exportation was not in violation of its laws.

B. The Government of the United States of America shall offer for return to the Government of the Kingdom of Cambodia any material on the Designated List forfeited to the Government of the United States of America.

C. Such import restrictions shall become effective on the date the Designated List is published in the U.S. Federal Register, the official United States Government publication providing fair public notice. Emergency import restrictions covering Khmer stone sculpture, first promulgated by regulation on December 2, 1999, shall remain in effect.

ARTICLE II

A. The Government of the Kingdom of Cambodia shall seek to expand the exchange of its archaeological material with U.S. institutions under circumstances that do not jeopardize its cultural patrimony, such as for temporary loans for exhibitions, including long-term loans whenever appropriate, and for other cultural, educational, and scientific purposes.

B. Representatives of the Governments of the United States of America and the Kingdom of Cambodia shall participate in efforts to publicize this Memorandum of Understanding and the reasons for it, particularly as they relate to the Bronze and Iron Ages.

C. The Government of the United States of America shall continue to use its best efforts to facilitate technical assistance in cultural resource management and security to the Government of the Kingdom of Cambodia, as appropriate under available programs in the public and/or private sectors.

D. Both Governments shall seek to encourage national and international institutions to promote archaeological research in Cambodia, and to further the interchange of knowledge about the archaeological heritage representing the Bronze Age through the Post-Angkorian Period.

E. The Government of the Kingdom of Cambodia shall continue to develop and promote professional training programs for archaeologists, museum staff, and institutional administrators responsible for cultural patrimony, to enhance the capabilities of the museums of Cambodia to care for and present their rich cultural heritage.

F. The Government of the Kingdom of Cambodia shall continue to use its best efforts to:

- create and implement management plans for archaeological sites that balance protection with sustainable use;
- secure museum collections and document/inventory standing archaeological remains;
- implement educational programs throughout the country to inform and engage its citizens in the protection of cultural resources, particularly those of the Bronze and Iron Ages;
- expand the Department of Patrimony Protection Police; and
- reduce corruption that undermines efforts to protect Cambodian cultural patrimony from pillage and illicit trafficking.

G. The Government of the Kingdom of Cambodia shall endeavor to enhance its collaborative efforts with the Government of the Kingdom of Thailand to control the illicit movement of Cambodian archaeological materials across their shared border.

H. The Government of the Kingdom of Cambodia shall report regularly to the Embassy of the United States of America on its efforts to safeguard its cultural patrimony from pillage.

ARTICLE III

The obligations of both Governments and the activities carried out under this Memorandum of Understanding shall be subject to the laws and regulations of each Government, as applicable, including the availability of funds.

ARTICLE IV

- A. This Memorandum of Understanding shall enter into force upon signature. It shall remain in force for a period of five years.
- B. This Memorandum of Understanding may be amended or extended through an exchange of diplomatic notes.
- C. The effectiveness of this Memorandum of Understanding shall be subject to review in order to determine, before the expiration of the five-year period of this Memorandum of Understanding, whether it should be extended.
- D. Once published in the Federal Register, the Designated List referred to in Article I A shall supersede that published on December 2, 1999.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed the present Memorandum of Understanding.

DONE at Phnom Penh, in duplicate, this 19th day of September, 2003, in the English and Khmer languages, both texts being equally authentic. In the case of any difference in interpretation, the English text shall prevail.

[Extended and amended by exchange of Diplomatic Notes on August 26, 2008]

FOR THE GOVERNMENT OF THE
KINGDOM OF CAMBODIA:
Charles A. Ray, U.S. Ambassador to
Cambodia

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:
Her Royal Highness Princess Norodom
Bopha Devi